REMARKS

Claims 1-52 were pending in this application. No claims were added or canceled. Hence, claims 1-52 remain pending in this application.

Independent claims 1, 15, 35, and 36 have been amended to more clearly define the invention with respect to a consortium. Dependent claims 2-3, 9, 21-22, 30-31, 42, and 47-48 were amended to make them consistent with the independent claims. Support for the amendments may be found throughout the specification in general and at least on page 2, paragraph 26.

No new matter was added.

Rejection of the Claims

Claims 1-2, 5-7, 12, 15, 16, 18-20, 26-27, 35-37, 39, 40, and 44 were rejected under 35 U.S.C. § 102(b) as being anticipated by BroadVision, a collection of articles cited in PTO-892, Items: U-V, announcing the issuance of BroadVision's U.S. Patent 5,710,887 ("Chelliah") and licensing thereof to BackWeb Technologies and Solectron.

Claims 3-4, 17, and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over BroadVision in view of PR Newswire (PTO-892, Item: W, hereinafter "PRN").

Claims 8-11, 21-23, 28-31, 34, 41-42, 45-48, and 51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over BroadVision in view of U.S. Patent 6,141,653 ("Conklin").

Claims 13-14, 24-25, and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over BroadVision and Conklin as applied to claims 1, 15, and 36.

Claims 32-33, 49-50, and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over BroadVision and PRN as applied to claims 15 and 36 and further in view of Borcover (PTO-892, Item: X).

The Claimed Invention

The present invention, as recited in amended claim 1, is directed to a computer implemented system for administering a distribution channel for the promotion and sale of a product. The system comprises, among other things, a digital repository for storing data of interest to members of a **consortium**, the consortium providing increased negotiating power for the members thereof.

Similarly, amended claim 15 is directed to a method for administering a distribution channel for the promotion and sale of a product. The method comprises, among other things, the

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step of populating a digital repository with data relating to members of a **consortium,** the consortium forming a part of the distribution channel.

Amended claim 35 recites a system for administering a distribution channel for the promotion and sale of a product. The system comprises, among other things, means for populating a digital repository with data relating to members of a **consortium,** the consortium forming a part of the distribution channel.

Finally, amended claim 36 recites a computer program product comprising, among other things, a computer program code mechanism embedded in a computer storage medium for causing a computer to manage a **consortium** for the promotion and sale of a product, the computer program code mechanism having a first computer code device configured to maintain data in a digital repository relating to members of the consortium.

Arguments in Support of the Claims

Independent claims 1, 15, 35, and 36 have been amended to clarify that the data that is stored is related to members of a consortium. The Concise Oxford Dictionary, 10th Edition, defines a consortium as an association, typically of several companies. One of the many benefits to forming a consortium is that the members of the consortium may use their volume of sales as leverage to obtain better pricing on products. (Specification, page 1, para. [0005].) Nowhere does BroadVision or Chelliah disclose or suggest a such a consortium.

BroadVision specifically states that the BroadVision One-to-One technology is an enterprise-class software application system for rapid development and real-time operation of one-to-one relationship management applications for the extended **enterprise.** (Item U, page 2, para. 4.) In other words, it is a technology for allowing individual enterprises to deploy and manage their businesses, not for managing a consortium of enterprises (or independent agents).

Chelliah states that it is a system for facilitating commercial transactions between a plurality of customers and at least one supplier of items over a computer network. (See, e.g., Abstract.) By way of an analogy, Chelliah compares itself to an electronic mall. (Cols. 6, lines 13-25.) However, the individual stores in a mall are not usually a part of an association, but are merely a loose grouping of merchants. They may rent the same space, share the same utilities, and even serve the same customers, but they do not usually wield their buying or selling power collectively as a group.

PRN, Conklin, and Borcover also fail to disclose or suggest a consortium. Therefore, even assuming that there is motivation to combine BroadVision and Chelliah with either PRN, Conklin, and/or Borcover, the resulting combination would not produce the claimed invention.

Accordingly, because none of the prior art of record, taken alone or in combination, disclose or suggest the invention as claimed in amended independent claims 1, 15, 35, and 36, withdrawal of the rejections against the independent claims is respectively requested.

As for dependent claims 2-14, 16-34, and 37-52, although they may recite independently allowable subject matter, these claims depend from claims 1, 15, 35, and 36, respectively, and are therefore allowable for at least the same reasons. Accordingly, withdrawal of the rejection against the dependent claims is respectively requested.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: September 16, 2004   Respectfully submitted,

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